

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**December 11, 2006**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Morrison, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

**C047172      CAPEN v. BONTA as Director, etc., et al.**

Cause called. Roy S. Liebman, Deputy Attorney General, argued for appellants. Gene Livingston argued for respondent. Cause submitted.

At 10:02 a.m., the court recessed. At 10:05 a.m., the court reconvened with Hull, Associate Justice and Cantil-Sakauye, Associate Justice. Counsel agreed in open court to allow Nicholson, Associate Justice, to participate by reviewing the tapes.

**C051684      RYLAND et al. v. IVERSEN et al.**

Cause called. Judy K. Iversen argued for appellants. Tim O'Connor argued for respondents. Cause submitted.

At 10:25 a.m., the court recessed. At 10:31 a.m., the court reconvened with Robie, Associate Justice and Butz, Associate Justice. Counsel agreed in open court to allow Nicholson, Associate Justice, to participate by reviewing the tapes.

**C047617      ROBY v. McKESSON HBOC et al.**

**C048799      ROBY v. McKESSON HBOC et al.**

Cause called. Jerome B. Falk argued for appellants. Charity Kenyon argued for respondent. Cause submitted.

At 11:23 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Raye, Associate Justice.

**C050437      HUGHES v. RICHARDSON**

Cause called. Robert R. Schaldach argued for appellant. Richard M. Glovin argued for respondent. Cause submitted.

At 2:10 p.m., the court recessed. At 2:14 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

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**The Minutes**

**December 11, 2006, continued**

**C051245      OVERAA CONSTRUCTION v. CALIFORNIA OCCUPATIONAL SAFETY AND  
HEALTH APPEALS BOARD and DEPARTMENT OF INDUSTRIAL  
RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

Cause called. Robert D. Peterson argued for appellant. Jeffrey Mojcher argued for respondent. Amy Martin argued for real party in interest. Cause submitted.

At 2:43 p.m., the court recessed until 9:30 a.m., Tuesday, December 12, 2006.

**C050399      THE PEOPLE v. DOMINGUEZ      (Not for Publication)**

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Davis, J.  
Hull, J.

**C050402      THE PEOPLE v. TAPIA      (Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

We Concur: Nicholson, J.  
Morrison, J.

**C051088      THE PEOPLE v. DeHERRERA      (Not for Publication)**

The judgment is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.  
Robie, J.

**C051810      THE PEOPLE v. HERNANDEZ      (Not for Publication)**

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Davis, J.  
Hull, J.

**C052619      THE PEOPLE v. CHAPMAN, JR.      (Not for Publication)**

The trial court is directed to prepare a corrected abstract of judgment... and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is affirmed.

Sims, Acting P.J.

We Concur: Hull, J.  
Robie, J.

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At 10:23 a.m., the court recessed. At 10:28 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

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**December 12, 2006, continued**

**C050289      NORTHERN CALIFORNIA WATER ASSOCIATION et al. v. CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD et al.  
CALIFORNIA FARM BUREAU FEDERATION et al. v. CALIFORNIA STATE  
WATER RESOURCES CONTROL BOARD et al.**

Cause called. David A. Battaglia argued and Eileen Ahern appeared only for appellants CA Farm Bureau. Stuart L. Somach argued and Daniel Kelly appeared only for appellants No. CA Water. Molly K. Mosley, Deputy Attorney General, argued and Erin Mattanty appeared only for respondents. Cause submitted.

At 11:31 a.m., the court recessed. At 11:35 a.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C050644      DENNY et al. v. LATHAM et al.**

Cause called. Peter J. Linn argued for appellants. William C. Callahan argued for respondents. Cause submitted.

At 11:50 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Morrison, Associate Justice.

**C050262      THE PEOPLE v. MCHENRY**

Cause called. Silas C. McHenry argued In Pro Per as appellant. David A. Rhodes, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:31 p.m., the court recessed until 9:30 a.m., Wednesday, December 13, 2006.

**C050817      THE PEOPLE v. SALAZAR**

**(Not for Publication)**

The judgment is affirmed.

Scotland, P.J.

We Concur: Raye, J.

Robie, J.

**C050839      THE PEOPLE v. BECHER**

**(Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Raye, J.

Hull, J.

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**December 12, 2006, continued**

<b>C050943</b>	<b>THE PEOPLE v. BATES</b> The judgment is affirmed. ROBIE, J. We Concur: Scotland, P.J. Raye, J.	<b>(Not for Publication)</b>
<b>C051189</b>	<b>THE PEOPLE v. GENTRY</b> The judgment is affirmed. HULL, J. We Concur: Davis, Acting P.J. Robie, J.	<b>(Not for Publication)</b>
<b>C051537</b>	<b>THE PEOPLE v. JENNINGS</b> The judgment is affirmed. SIMS, Acting P.J. We Concur: Hull, J. Cantil-Sakauye, J.	<b>(Not for Publication)</b>
<b>C052154</b>	<b>THE PEOPLE v. RICHARDSON</b> The judgment is affirmed. BLEASE, Acting P.J. We Concur: Butz, J. Cantil-Sakauye, J.	<b>(Not for Publication)</b>
<b>C052419</b>	<b>THE PEOPLE v. WYNN</b> The judgment is affirmed. BUTZ, J. We Concur: Blease, Acting P.J. Cantil-Sakauye, J.	<b>(Not for Publication)</b>
<b>C053073</b>	<b>THE PEOPLE v. MINEO, JR.</b> The judgment is affirmed. ROBIE, J. We Concur: Scotland, P.J. Butz, J.	<b>(Not for Publication)</b>
<b>C049827</b>	<b>OROVILLE HOSPITAL v. DEPARTMENT OF HEALTH SERVICES</b> The judgment is affirmed. SCOTLAND, P.J. We Concur: Blease, J. Sims, J.	<b>(Not for Publication)</b>

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**December 12, 2006, continued**

- C050333      SICKLE et al. v. DOSANJH et al.      (Not for Publication)**  
The judgment is affirmed. Defendants are awarded their costs on appeal.  
(Cal. Rules of Court, rule 27(a)(1).)  
BLEASE, Acting P.J.  
We Concur:    Sims, J.  
                 Butz, J.
- C050636      DELTAKEEPER, etc., et al. v. PORT OF STOCKTON et al. and CITY OF STOCKTON et al.      (Not for Publication)**  
The judgment is reversed. The matter is remanded to the trial court with directions... Plaintiffs shall receive their costs on appeal. (Cal. Rules of Court, rule 27 (a) (1).)  
SIMS, J.  
We Concur:    Scotland, P.J.  
                 Cantil-Sakauye, J.
- C051580      VAN DYKE v. JTS COMMUNITIES, INC. et al.      (Not for Publication)**  
The October 24, 2005, order (denying the anti-SLAPP motion) and the December 13, 2005, order (denying attorney's fees) are affirmed. Plaintiff shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)  
SIMS, Acting P.J.  
We Concur:    Hull, J.  
                 Cantil-Sakauye, J.
- C052475      In re JUAN E., Jr.; AMADOR COUNTY HEALTH AND HUMAN SERVICES AGENCY v. SONIA A.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
SCOTLAND, P.J.  
We Concur:    Morrison, J.  
                 Robie, J.
- C050654      In re NAVAS, On Habeas Corpus      (Not for Publication)**  
The order to show cause is discharged and the petition for writ of habeas corpus is denied.  
MORRISON, J.  
We Concur:    Davis, Acting P.J.  
                 Raye, J.

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**December 13, 2006**

**MISC. ORDER 2006-019**

By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 77, and 78, during the absence of the Presiding Justice from the court on December 15, 2006, or until his return. (See Cal. Const. art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Harper, bailiff.

**C050811      CONCERNED MCCLOUD CITIZENS v. MCCLOUD COMMUNITY SERVICES DISTRICT et al. and NESTLE WATERS NORTH AMERICA, INC.**

Cause called. Lisabeth D. Rothman argued and Diane C. DeFelice appeared only for real party in interest. Donald B. Mooney argued for respondent. David W. McMurchie argued for appellants. Cause submitted.

At 10:12 a.m., the court recessed. At 10:16 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C051469      VERGOS v. McNEAL**

Cause called. George A. Acero argued for appellant. James A. Michel argued for respondent. Cause submitted.

At 10:41 a.m., the court recessed until 9:30 a.m., Friday, December 15, 2006.

**C050613      THE PEOPLE v. DANIEL      (Not for Publication)**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Sims, Acting P.J.  
                     Davis, J.

**C051266      THE PEOPLE v. GONZALEZ      (Not for Publication)**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Nicholson, Acting P.J.  
                     Butz, J.

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**December 13, 2006, continued**

**C051274      THE PEOPLE v. WESTON      (Not for Publication)**  
The judgment is modified... As so modified, the judgment is affirmed.  
BUTZ, J.  
We Concur:    Blease, Acting P.J.  
Raye, J.

**C052355      In re CHARLES M.; THE PEOPLE v. CHARLES M.      (Not for Publication)**  
The judgment is modified to reflect that the maximum term of confinement is six months. As modified, the judgment is affirmed.  
BUTZ, J.  
We Concur:    Blease, Acting P.J.  
Raye, J.

**December 14, 2006**

**C042274      THE PEOPLE v. JOHNSON      (Not for Publication)**  
The judgment is reversed, and the matter is remanded to the trial court for the limited purpose... If the trial court finds the challenge to J.W. was for a race-neutral reason, it shall reinstate the judgment. If it finds otherwise, the court shall grant defendant a new trial.  
SCOTLAND, P.J.  
We Concur:    Davis, J.  
Hull, J.

**C050626      THE PEOPLE v. WILDEE      (Not for Publication)**  
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward the abstract to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur:    Raye, Acting P.J.  
Robie, J.

**C051778      THE PEOPLE v. FRANKLIN      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur:    Robie, J.  
Butz, J.



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- C052360      THE PEOPLE v. ROLES      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur: Morrison, J.  
Robie, J.
- C047892      THE PEOPLE v. ANDREW BRENT S.      (Not for Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Davis, J.  
Hull, J.
- C052532      In re A.R.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. M.R.      (Not for Publication)**  
The order terminating appellant's parental rights is reversed. The matter  
is remanded to the juvenile court with directions to conduct further proceedings  
consistent with this opinion.  
SCOTLAND, P.J.  
We Concur: Davis, J.  
Nicholson, J.

**December 15, 2006**

At 9:35 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Hull, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

- C050103      THE PEOPLE v. WILMSHURST**  
Cause called. Thomas M. Marovich argue for appellant. Janine R. Busch, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:05 a.m., the court recessed until 9:30 a.m., Monday, December 18, 2006.

- C049132      THE PEOPLE v. BELL      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.

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**The Minutes**

**December 15, 2006, continued**

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| <b>C052185</b> | <b>THE PEOPLE v. GONZALES</b><br>The judgment is affirmed.<br>SIMS, Acting P.J.<br>We Concur: Morrison, J.<br>Hull, J.  | <b>(Not for Publication)</b> |
| <b>C052421</b> | <b>THE PEOPLE v. LAHUE</b><br>The judgment is affirmed.<br>SIMS, Acting P.J.<br>We Concur: Hull, J.<br>Robie, J.  | <b>(Not for Publication)</b> |
| <b>C052424</b> | <b>THE PEOPLE v. MCKENZIE</b><br>The judgment is affirmed.<br>SIMS, P.J.<br>We Concur: Hull, J.<br>Robie, J.  | <b>(Not for Publication)</b> |
| <b>C052314</b> | <b>THOMAS et al. v. HOWARD et al.</b><br>The order denying the motion to disqualify is reversed. Plaintiffs shall<br>recover their costs on appeal. (Cal. Rules of Court, rule 27 (a).)<br>ROBIE, J.<br>We Concur: Davis, Acting P.J.<br>Morrison, J. | <b>(Not for Publication)</b> |